Interview Summary: Rob Stewart, Dominic Rochon, Talal Dakalbab, Deryck Trehearne, Department of Public Safety and Emergency Preparedness

This interview summary should be read in conjunction with: Public Safety's Institutional Report; the witness summary for Minister Mendicino; the witness summary for Minister Blair; and the witness summary for the Privy Council Office Emergency Preparedness ("**PCO EP**") panel, which consisted of Jeffery Hutchinson (Assistant Secretary to the Cabinet, Emergency Preparedness) and Jacqueline Bogden (Deputy Secretary to the Cabinet, Emergency Preparedness and COVID-19 Recovery).

Senior officials from the Department of Public Safety were interviewed by Shantona Chaudhury, Yves Côté, Gordon Cameron, and Alexandra Heine on September 1, 2022. Questions about this summary should be directed to Ms. Heine.

Text contained in [square brackets] are explanatory notes provided by Commission Counsel to assist the reader.

Background

Public Safety is responsible for matters of public safety, national security, and emergency management in Canada. There are five agencies that fall within its mandate: the Royal Canadian Mounted Police ("**RCMP**"), the Canadian Security Intelligence Service ("**CSIS**"), the Canada Border Services Agency ("**CBSA**"), the Correctional Service of Canada, and the Parole Board of Canada. Public Safety plays a coordinating role with these agencies.

Rob Stewart is the Deputy Minister ("**DM**") of Public Safety. His primary role is to direct the administration of resources, advise the Minister on policy issues and program administration, and coordinate the advice and support from the agencies that fall within Public Safety's mandate.

The DM explained that during the Freedom Convoy ("**Convoy**") events, he was at the center of monitoring developments, providing advice on law enforcement and national security, and engaging with various stakeholders and key players within and outside the government. Specifically, he engaged with his provincial and federal counterparts, the Mayor of the City of Ottawa, the City of Ottawa Manager, the RCMP, the Ontario Provincial Police ("**OPP**"), and the Ottawa Police Service ("**OPS**"). He also attended the meetings of the Deputy Ministers' Committee on Operational Coordination ("**DMOC**"), which were convened by the National Security Intelligence Advisor ("**NSIA**").

Dominic Rochon is the Senior Assistant Deputy Minister of Public Safety's National and Cyber Security Branch ("**NCSB**"). [NCSB plays a supporting and coordinating role in the prevention, detection, denial, response and recovery efforts of the agencies that fall within Public Safety's mandate and other government departments and agencies on matters

relevant to cyber and national security.] Senior ADM Rochon explained that NCSB constantly interacts with other departments to better understand what types of policies and legislation are needed to deal with evolving national security threats. He clarified that NCSB has both a policy and operational role, but that the operational branch of NCSB exists mostly to inform the policy branch. NCSB also has individuals responsible for critical infrastructure policy and critical infrastructure threat assessments.

Senior ADM Rochon stated that during the Convoy events, he was primarily responsible for coordinating with the Privy Council Office ("**PCO**") who were in charge of briefing and convening senior officials and ministers to ensure that they had an ongoing factual account of what was happening on the ground. Senior ADM Rochon also gathered information and intelligence from the RCMP, CSIS and CBSA, and shared that information and intelligence at the meetings of the Assistant Deputy Ministers Committee on National Security Operations ("**ADM NS OPS**"). [ADM NS OPS is an intelligence-sharing forum that meets every week. ADMs from all relevant agencies participate.] The ADM NS OPS meetings are usually co-chaired by Senior ADM Rochon and Michael MacDonald, [the Assistant Secretary to Cabinet, Security and Intelligence at PCO. He reports to the NSIA.]

Talal Dakalbab is the Assistant Deputy Minister of the Crime Prevention Branch ("**CPB**"). His team supports Minister Mendicino in providing national policy leadership on issues relating to policing, firearms, corrections, criminal justice, and serious and organized crime. As ADM Dakalbab explained, his team provides policy advice on these issues. He added that the RCMP is one of his main portfolio partners, with whom he works closely in administering the contracts between Canada and provinces, territories, and municipalities for RCMP policing services [except for Ontario and Quebec, who have their own provincial policing services]. CPB works closely with the portfolio agencies that fall within Public Safety's mandate, as well as provincial and territorial partners and stakeholders on all policy matters.

ADM Dakalbab explained that during the Convoy events, he engaged with representatives from provincial and territorial governments through the meetings of the Federal-Provincial-Territorial Crime Prevention and Policing Committee ("**FPT CPPC**"), which he convened on an *ad hoc* basis. He stated that he was not involved in the operational side of the response to the Convoy.

Deryck Trehearne is the Director General of the Government Operations Centre ("**GOC**"). [GOC is a directorate that is part of the Emergency Management and Programs branch of Public Safety.] As DG Trehearne explained, GOC's role is operational—not policy focused. He explained that there are two pillars of emergency management: preparedness and response. GOC is the lead in terms of coordinating federal emergency response [by providing continuous monitoring and reporting, national-level situational awareness, warning notes, risk assessments, and planning assistance relating to government wide emergency response management.] GOC also assesses and makes recommendations with respect to requests for federal assistance ("**RFAs**").

During the convoy events, DG Trehearne's primary role was to assist with RFAs and direct the GOC in its effort to supply integrated situational awareness to various government officials.

Departmental Structure and Responsibilities of Officials

Prior to October 2021, the Department of Public Safety and Emergency Preparedness supported a single Minister, the Minister of Public Safety and Emergency Preparedness. After October 2021, and the creation of the new position of Minister of Emergency Preparedness, the Department of Public Safety and Emergency Preparedness supported two Ministers: the Minister of Public Safety, the Honourable Marco Mendicino, and the President of the Queen's Privy Council and the Minister of Emergency Preparedness, the Honourable Bill Blair, who also receives support from the Privy Council Office.

As the DM explained, there is no specific institution whose role is exclusively Emergency Preparedness. The Department of Public Safety and Emergency Preparedness has a wide range of different mandates. The GOC, which is one part of the Department, was the core operational element of the Department's emergency preparedness mandate. In recent years, the government started to notice a fairly significant increase in the number of emergencies in Canada, such as natural disasters, cyber security events and COVID-19, which engendered an increase in RFAs.

In response, the government decided to improve its ability to respond to emergencies and RFAs by appointing both a Minister of Emergency Preparedness and a Minister of Public Safety. Minister Mendicino was appointed as Minister of Public Safety and Minister Blair was appointed Minister of Emergency Preparedness and President of the King's Privy Council.

[Though a second Minister was appointed, Emergency Preparedness still falls within the broader umbrella of the Department of Public Safety and Emergency Preparedness.] Minister Mendicino has primary responsibility over the five agencies that fall within Public Safety's mandate. He exercises the powers, duties and functions in federal legislation conferred onto the Minister of Public Safety and Emergency Preparedness by the *Emergency Management Act,* SC 2007, c. 15.]

[As Minister of Emergency Preparedness, Minister Blair's primary responsibility is advancing Public Safety's emergency preparedness mandate. He is in charge of PCO's Emergency Preparedness Secretariat, and in his role of as President of the King's Privy Council he chairs the Cabinet Committee on Safety, Security and Emergencies ("**SSE**"). The SSE's mandate is to consider threats and risks to the safety and security of Canada and Canadians. It manages ongoing emergencies by ensuring an integrated response at the Ministerial level. The SSE has regularly scheduled meetings and can also be convened on an *ad hoc* basis, as required. Minister Blair is also in charge of managing, with the GOC, RFAs from provinces.]

The federal government also created the PCO Emergency Preparedness ("**PCO EP**") Secretariat to support the new Ministerial portfolio of Emergency Preparedness. The DM explained that the PCO EP Secretariat officials were appointed to coordinate between the Department of Public Safety and Emergency Preparedness and other departments and agencies, and to assist Minister Blair with the SSE. They are also responsible for supporting Minister Blair on a day-to-day basis by, for example, preparing him for Question Period and drafting his public remarks. The DM noted that Public Safety officials sometimes provide this type of support to Minister Blair when he is meeting with a Public Safety stakeholder. In such instances, Public Safety officials prepare the necessary materials and pass them onto PCO EP officials.

The DM explained that in some respects, there is generally a clear line of demarcation between the responsibilities that Public Safety officials have towards each Minister. For instance, there is a bright line between the type of advice that Public Safety officials provide to the Ministers. They advise Minister Mendicino on national security and law enforcement matters, and they advise Minister Blair on emergency preparedness matters. That line of demarcation is less clear in other respects. As the DM stated, it is not always possible to draw a bright line within, for example, the policy on critical infrastructure.

Pre-Convoy Involvement in Monitoring, and Information and Intelligence Gathering and Sharing

The panel members were asked whether Public Safety had a team monitoring protest activities and movements related to COVID-19 public health measures prior to the start of the Convoy. The DM answered in the negative. He explained that monitoring people involved in protests is not something that Public Safety typically does because of the right to freedom of expression and the right to protest. A protest must significantly cross the line before authorities are deployed. The fact that there was dissent on COVID-19 public health measures during the pandemic was entirely within the purview of Canadians, and was not cause for law enforcement or national security interference.

ADM Dakalbab added that during the COVID-19 pandemic, Public Safety was involved in providing clarity on how the Orders-in-Council made pursuant to the *Quarantine Act* could be enforced. He clarified that they did not monitor who was against the Orders-in-Council, but rather things like compliance with requirements for air travelers.

The panel members were also asked whether they received intelligence assessments from the RCMP about threats with potential national-level implications related to public order, public safety and the COVID-19 vaccine rollout prior to the Convoy. Specifically, they were asked whether they were aware that the RCMP's Federal Policing National Intelligence Ideologically Motivated Criminal Intelligence Team ("**FPNI IMCIT**") made the following assessment on December 23, 2021: "opposition to vaccine mandates, vaccine

certificates, and vaccination of younger populations continues to grow in intensity and could become a potential flash point for acts of violence."[1]

DM Stewart reiterated that opposition to COVID-19 public health measures was not an issue that Public Safety was involved in. As he stated, just because law enforcement was monitoring manifestations of threats related to public health measures did not mean that Public Safety was involved. The DM noted that these threats were partly addressed by Bill C-3, which was a bill tabled by the Department of Justice—not Public Safety—sometime in December 2021. Bill C-3 contained amendments to the *Criminal Code*, RSC, 1985, c. C-46, to protect health care workers and people seeking access to health services. [Specifically, Bill C-3 enacted the new offence of intimidating healthcare workers and individuals seeking health services, set out in section 423.2 of the *Criminal Code*.]

Senior ADM Rochon clarified that Public Safety always monitors information about "malaise" in society to inform national security policy. During COVID-19, there were a lot of angry people saying angry things about public health measures. Public Safety was generally aware of this from a national security perspective, but was not directly involved. Public Safety would have become involved if there was information or intelligence that people were planning an event that would fall within Public Safety's national security mandate. The RCMP and CSIS are the primary agencies that would be involved in making that determination. He stated that prior to the Convoy, Public Safety did not receive any information or intelligence from CSIS and RCMP about needing to prepare for any significant event.

Early Involvement in Monitoring the Convoy, and Information and Intelligence Gathering and Sharing

Information or Intelligence from Key Partners

Before the Convoy arrived in Ottawa, Public Safety started receiving open-source information about the Convoy from Transport Canada ("**TC**"), the OPS, and CBSA. Senior ADM Rochon clarified that this information was not national security intelligence; it was just information.

As Senior ADM Rochon explained, TC officials shared information because they were concerned about the traffic issues that the Convoy would cause. TC's ADM of Safety and Security, Kevin Brosseau, shared these concerns with Senior ADM Rochon at an ADM NS OPS meeting. They had an initial conversation about the event.

DG Trehearne added that the OPS shared information about the Convoy for situational awareness. He specified that OPS had a direct line of communication to Public Safety

[1] FPNI IMCIT National Threat Landscape Strategic Assessment, December 23, 2021, PB.NSC.CAN.00000515_REL.0001.

through INTERSECT [which is an Ottawa-based coordinating body for public health and safety issues run by the OPS that includes representatives from the RCMP, the Canadian Armed Forces, the Parliamentary Protective Service, CSIS, the Gatineau City Police, and other partners including Public Safety].

Senior ADM Rochon stated that they liaised with the RCMP and asked whether they were talking to the OPS and the OPP. The RCMP stated that they were. Public Safety did not, however, receive intelligence from the RCMP relating to the Convoy until later.

Senior ADM Rochon added that in the days leading to the Convoy's arrival in Ottawa, Public Safety was not gathering or disseminating any national security intelligence related to the Convoy, or undertaking related risk assessments because at that point, there was still no indication that the events were a national security threat. In other words, the event had not yet crossed the threshold of the kind of event that would impact Canadians significantly and thus, there was no need for Public Safety officials to formally monitor it, or gather intelligence and assess risk.

As DM Stewart said, it is clear that they did not foresee that the Convoy would be as big as it was and stay in Ottawa for as long as it did. In his view, there was an issue with information and intelligence gathering and sharing about the events: the CBSA and police of jurisdiction at ports of entry ("**POEs**") did not foresee that vehicles would arrive and park on highways, ramps and bridges, and the OPS did not foresee that trucks would park in downtown Ottawa for as long as they did.

The GOC Key Points and Daily Operations Reports

The GOC started monitoring the events on January 19 and started sharing information via Key Points with DM Stewart and select senior officials at Public Safety on or around January 20[2]. DM Stewart stated that [on or around January 25], GOC started reporting on the Convoy more broadly to ADM NS Ops and key Deputy Ministers and partners on January 25[3]. The broader reporting occurred once daily through "Key Points on the Potential Impacts to Critical Infrastructure" updates ("**Key Points**"). [Monitoring peaceful demonstrations is not in GOC's mandate. However, GOC started gathering information about the Convoy and sharing that information in the DOBs because the event met GOC's criteria for reporting: it was identified as an event that had the potential to affect Critical Infrastructure.]

DM Stewart explained that [on or around January 28], GOC also started disseminating information about the Convoy in daily operations briefs ("**DOBs**"). DG Trehearne

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[2] PB.CAN.00001061_REL.0001

[3] SSM.NSC.CAN.00000250_REL.0001 (January 23); PB.CAN.00001075_REL.0001 (January 25).

explained that in the normal course, DOBs are circulated every morning. DOBs started including information about the Convoy on January 28 because the demand for information by government officials was increasing significantly.[4]

On or around January 28, the GOC started circulating an additional Key Points update.[5] DG Trehearne and DM Stewart stated that the situation evolved such that multiple updates were required: the DOBs were sent in the morning, the first Key Points update was sent at lunch time, and the second Key Points update was sent in the evening. As DM Stewart explained, this arose from the need for government officials to have a common high-level understanding of new verified information in real time. DG Trehearne clarified that the information was neither detailed nor classified.

DM Stewart described both Key Points and DOBs as aggregate reports or newspaper-type reports for situational awareness, primarily based on open source information. Both reports synthesized information that Public Safety already had and published that information to a broader audience of government officials, including the offices of the Ministers, Deputy Ministers, Assistant and Associate Deputy Ministers, and a broader list of other federal operational centers. As DG Trehearne clarified, neither Key Points nor DOBs are intelligence reports.

The DM explained that GOC's role in the response to the Convoy was limited to information sharing for situational awareness because the Convoy was not treated as an emergency management issue. Rather, it was treated as an extraordinary event.

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[4] Daily Operations Briefs: SSM.CAN.00003007_REL (GOC DOB Feb 13 2022); SSM.CAN.00000160_REL (GOC DOB Feb 18); PB.CAN.00000738_REL (GOC DOB Feb 21); SSM.CAN.00000169_REL (GOC DOB Feb 23).

[5] Key points updates: PB.CAN.00000701_REL.0001 (January 26); PB.CAN.00000703_REL.0001 (January 27); PB.CAN.00000704_REL.0001 (January 28 12:00 EDT); PB.CAN.00000705_REL.0001 (January 28 16:30 EDT); PB.CAN.00000706_REL.0001 (January 29 12:00 EDT); PB.CAN.00000707_REL.0001 (January 29 16:00 EDT); PB.CAN.00000707_REL.0001 (January 29 17:00 EDT); PB.CAN.00001081_REL.0001 (January 30 12:00 EDT); PB.CAN.00001083_REL.0001 (January 30 17:00 EDT); PB.CAN.00001087_REL.0001 (January 31 12:00 EDT); PB.CAN.00000708_REL.0001 (February 1 17:00 EDT); PB.CAN.00000709_REL.0001 (February 1); PB.CAN.00000712_REL.0001 (February 2 12:00 EST); PB.CAN.00000711_REL.0001 (February 2 17:00 EST); PB.CAN.00000714_REL.0001 (February 3); PB.CAN.00000713_REL.0001 (February 3 17:00 EST); PB.CAN.00000716_REL.0001 (February 4 12:00 EST); PB.CAN.00000715_REL.0001 (February 4 17:00 EST).

The panel members were asked about an email thread dated January 25 between DG Trehearne, Senior ADM Rochon, and ADM MacDonald, which arose from the January 23 GOC Key Points update on the Convoy.[6] In that thread, Senior ADM Rochon wrote:

> Our DM (Rob) debriefed on the NSIA call on this topic today and mentioned that there is a gap when it comes to reporting on this issue (as we head towards the demonstration this weekend).
>
> Comment was made that people (read DMs/Ministers) are not clear what activity is occurring in the RCMP/law enforcement space to prepare for any potential violent behavior or thresholds being crossed. There is a fine line of course (as flagged by CSIS) as to what our intel groups can do given ostensibly this involves the free democratic right to peaceful protest (Mike M. is chasing this angle down with CSIS).
>
> As you know, we will be meeting at ADM NS ops level Thurs/Fri/Sat & Sunday. Above and beyond that, Rob suggested that it would be good if the GOC could provide daily situational awareness reports (as per below), informed by any injects RCMP can give you regarding their activities.
>
> Hoping this is feasible and you can touch base with Mark Flynn (cc'd here) to coordinate that. Also need to land on dist list for your product, and I would suggest those you see cc'd here, and key ADM NS ops ADMs as a minimum.
>
> Feasible? I welcome other views. Let me know.
>
> Thanks.

DG Trehearne replied:

> Hey totally doable we are using mainly open source stuff and will publish to you in the next hour or less, so anything RCMP has that they'd like to share that's appropriate for unsecure let me know.

ADM MacDonald replied:

> Hi,

[6] Email Thread Dated January 25 Regarding January 23 GOC Update, SSM.NSC.CAN.00000250_REL.0001.

> See comment from my Boss [the NSIA]. Is this doable from the RCMP into the GOC reporting? Thanks Mike
>
> **I think that to truly be comprehensive and provide a full understanding of the situation there needs to be a summary of on line discussion and threats associated with this convoy. It's being fueled on line. Needs to be tracked.**

DG Trehearne replied that the RCMP had a lot on the go and suggested that the Key Points update that was already prepared for the day should go out with a "more integrated version tomorrow with additional inputs". Alternatively, he said they could wait to send the Key Points report until they received a "few bullets on RCMP threat assessment". ADM MacDonald agreed with DG Trehearne's first suggestion.

The panel members were asked about the reporting gap in GOC's January 23 Update identified by the NSIA. DM Stewart explained that the gap identified by the NSIA had two causes: (1) GOC was not getting information from the RCMP about threats made on social media because it was an unprecedented event that was quickly developing; and (2) the government did not have the resources to monitor the social media discourse around the Convoy given the novelty of the situation.

DM Stewart explained that the situation was novel because there were multiple organizers and participants that self-identified as Convoy leaders, and it was difficult to monitor which threats made by them on social media were credible and worth passing onto GOC, and which were not credible. For example, they did not know how serious the Memorandum of Understanding published by the group Canada Unity was. As he said, there were many diverging narratives about the Convoy on social media. If the government and law enforcement had better tools to monitor social media and had the ability to properly distill social media content [for e.g. threats and plans], they would have been better equipped to pass relevant information about threats related to the Convoy along to GOC.

Project Hendon

The panel members were asked about Project Hendon, [an OPP-led intelligence sharing network, which started reporting on the Convoy well before its arrival in Ottawa, on or around January 13. The Project Hendon intelligence reports included observations that the Convoy had strong support and that some participants appeared to be planning to stay in Ottawa until their demands were met]. None of the panel members had heard about Project Hendon and they were surprised that the OPP had this intelligence.

DG Trehearne explained that they typically do not receive information directly from the OPP. Information from the OPP is filtered up to Public Safety through the OPS or RCMP. He explained that Public Safety and the OPS have a partnership because of local events that they work together on, like Canada Day celebrations.

The panel members were asked whether they would have received the Project Hendon intelligence if that intelligence had been shared with the RCMP.

Senior ADM Rochon answered that if there was intelligence indicating that the Convoy would rise to the level of national security, it would have been shared with him by the RCMP or CSIS at the meetings of the ADM NS OPS. To his recollection, neither CSIS nor the RCMP shared such intelligence in the days leading up to the arrival of the Convoy.

Senior ADM Rochon surmised that law enforcement's early intelligence about the Convoy would have been about specific individuals that were being watched in the context of an ongoing or potential investigation. Law enforcement agencies would have been careful not to share that type of intelligence with Public Safety, because they would have wanted to ensure that the government did not interfere in ongoing investigations. As he stated, the police's tactical operations do not get shared with him or with other members of ADM NS OPS.

DM Stewart said that he would go one step further than Senior ADM Rochon and say that law enforcement agencies would have been extremely reticent to share specific intelligence about the Convoy with Public Safety. He stated that the RCMP is very careful about sharing tools, techniques, and information obtained with people in the political layer. He added that none of the Public Safety officials have a direct line of sight into what RCMP does on a day-to-day basis. The RCMP, he explained, does protective policing and their whole methodology is kept from them. Neither he nor ADM Dakalbab have a direct line of sight into what the RCMP does on a day-to-day basis. ADM Dakalbab elaborated on this point by explaining that the RCMP provides analysis and reports, which inform the policy branch of Public Safety; however, when the RCMP deems something to be an investigation, they are protective of information tied to that investigation.

DM Stewart clarified that if they learned that the RCMP had intelligence that the Convoy was planning on becoming entrenched in Ottawa and failed to report that information up to Public Safety, they would consider this to be a problematic situation. As he explained, the Convoy highlighted that there are issues with the flow of information from law enforcement to the government. Specifically, he stated that the flow of information insofar as it pertains to threats is not particularly coherent when there are no direct and identifiable threats to national security. For example, when the threats arise from ideologically motivated violent extremism ("**IMVE**") rhetoric online, Public Safety and its agencies feel very under equipped and under prepared to gather and share intelligence about those threats and respond to them.

Involvement in the Federal Government Response to the Convoy

Senior ADM Rochon explained that his involvement in the federal government's response to the Convoy began on January 26, the day of the first special meeting of the ADM NS OPS, which was convened on an *ad hoc* basis to discuss the Convoy. [Special meetings of the ADM NS OPS were convened on an *ad hoc* basis everyday thereafter until February 12, as well as on February 16 and 17. After February 17, the regular ADM NS

OPS schedule resumed. The attendees included Senior ADM Rochon, the ADM of TC, and representatives from the CBSA, CSIS, RCMP, the Communications Security Establishment, and the Integrated Terrorism Assessment Centre. The attendees shared intelligence and situational updates and developed policy proposals for emerging Convoy-related threats.]

For his part, DM Stewart was involved in the Ministerial Briefings on the Convoy, which started on January 28. These meetings occurred daily thereafter and sometimes more than once a day. The Commissioner of the RCMP, Brenda Lucki, was the principal briefer because the RCMP was the police of jurisdiction in Coutts, Emerson and Surrey, and her team were the principal interlocutors with the OPS and the OPP in Ontario. DM Stewart noted that Ministers Mendicino and Blair attended the Ministerial Briefings every day, as well as the Minister of Transport and the Director of CSIS. The Minister of Justice and the Minister of Intergovernmental Affairs were occasionally in attendance. DM Stewart stated that the chair of the Ministerial Briefings was either the Deputy NSIA or the DM of PCO EP. The briefing attendees shared new information that they received from their contacts and discussed options, such as the enforcement of the *Highway Traffic Act,* the City of Ottawa Bylaws, and various authorities as it pertained to TC. They also discussed ways to get officials from the Province of Ontario to provide more assistance.

DM Stewart also noted that he was involved in the meetings of the DMOC. [Like the special meetings of the ADM NS OPS, meetings of the DMOC were convened on an *ad hoc* basis on January 31, February 1, 3, 11, 13, 14, and daily between February 16 and 22, in an effort to coordinate the federal response to the protests. The attendees included DM Stewart, DMs from other departments involved in the response to the Convoy, as well as the heads of CSIS, CBSA, and the RCMP.] His role in the DMOC meetings was to monitor what was being said because Public Safety was not bringing particular issues to the table.

The DM played an active and individual role in the response to the Convoy by reaching out to the City of Ottawa Manager, the OPS, the OPP, and the Solicitor General of Ontario, and keeping in contact with them throughout the events. He attended a group meeting on or around February 7 with the City Manager and his lieutenant, the NSIA, the DM of TC, the Director of CSIS, Commissioner Lucki, Chief Sloly, a representative from the OPP, the Solicitor General of Ontario's Deputy in charge of policing Mario Di Tommaso. He attended more of these meetings, but some of the officials fell away as time went on.

Protests and Blockades at the Ports of Entry

DM Stewart stated that Public Safety had no forewarning about the blockades that occurred at the POEs. He explained that there were early protest activities at the Ambassador Bridge in Windsor that went away and came back.

He mentioned that at some point, he received a call from CBSA asking him to contact the OPP because the CBSA was having difficulty with the police in Windsor. He called his counterparts in Ontario to discuss this issue.

Law Enforcement in Ottawa

The Ottawa Police Service

The panel members were asked whether they had a perspective about whether the National Capital Region Command Centre ("**NCRCC**") was operating smoothly. DM Stewart answered that he was briefed about the NCRCC and its operations from Commissioner Lucki during the Ministerial Briefings. She reported that from the beginning, the OPS were on their heels. The volume of people exceeded their ability to do policing and they made a mistake in allowing trucks to come into the downtown core and park on the street. Commissioner Lucki also reported to them that the NCRCC was not working particularly well because there were personality issues involved.

DM Stewart explained that he got the sense that as time went on, the OPS pulled it together and the OPP got involved. He added that setting aside what happened at the POEs, police in other cities knew that the Convoy was a risk they had to guard against because they had learned from the Ottawa situation, and so they were able to better manage the protests. In Ottawa, however, there was a real disarray.

The DM also described how there was some tension between the City of Ottawa and the federal government because Chief Sloly wanted more assistance, and questions were raised about how many RCMP officers and resources had been deployed to assist the OPS rather than to protect federal assets. The RCMP's position was that the OPS should have asked the OPP for more resources and that it was the OPP's responsibility to come and serve. He explained that the RCMP felt pressed by the OPS, but that the OPP was the force that the OPS should look to pursuant to legislation [the Ontario *Police Services Act*].

DM Stewart stated that Chief Sloly attended the meetings between the City and the federal government. He would always explain the situation from his perspective and ask for help. The DM stated that at one point, Chief Sloly asked for 1,800 officers, but those resources were not available. Those additional resources were made available in the period after the *Emergencies Act* was invoked.

There was also the obstacle of swearing in RCMP officers so that they would have the jurisdiction to enforce municipal and provincial laws. The DM described this as an administrative process. RCMP officers had to get their names written down on a form, which was then faxed to the Solicitor General of Ontario for her signature.

When asked whether this swearing in process is normally time consuming, ADM Dakalbab answered that it is an administrative process that is done easily. However, during the Convoy, it was difficult to get things moving because every action was seen as time consuming, and people were tired. The DM later added that the Ontario Solicitor General was not turning the list around very quickly.

He added that Commissioner Lucki was pushed to provide assistance to the OPS and did so to some extent, largely to control pedestrian and vehicular traffic. The OPP did the same. But there was no desire to fully commit to providing assistance if there was no OPS plan. He stated that he personally received a plan from the Acting Deputy Chief of the OPS, Patricia Ferguson, on February 10. This plan devoted a large number of civilians to doing data entry. Only a fraction of the plan required police officers. His sense was that other police forces felt it was not a plan that dealt with the situation and so there was no agreement about it.

DM Stewart added that it was difficult to get people to come to an agreement about a plan because there were personality issues in the mix. Though he personally had limited interactions with Chief Sloly, the DM described the Chief as a strong personality. He heard that it was challenging to get the Chief to relinquish authority. He was determined to be the one to create the plan. To the extent that he did develop a plan, it was not one that the other police forces considered adequate.

The DM explained that in the earlier days the Chief had a partial plan, which was to prevent more people from entering the downtown core and prevent people from entering with gas, but this plan failed because of a lack of manpower. His plan then involved 2,000 police with helmets and snipers to ensure public safety. People were reluctant to agree to this because the situation in the downtown core in Ottawa could not be assessed. There were trucks parked with people who had extreme views and who were well-led. They did not know what would happen if enforcement took place, and the RCMP did not want to set something off by showing up and trying to enforce unsuccessfully. He recalled the RCMP also saying that their officers were tired and were needed in the provinces from which they had been brought to Ottawa.

The DM also recalled that whenever the OPS came up with a plan, a new obstacle would present itself, such as the presence of children amongst the protesters, and the plan would have to be changed. The situation was constantly evolving.

DM Stewart explained that the situation in Windsor was similar. The police of jurisdiction were overwhelmed and calling for help. It took time to sort things out and they had to bring Public Order Units from different places. Even after they developed a plan, it took several

days to bring things together. As the DM stated, it was not a situation that could be resolved by snapping one's fingers.

The issues with policing in Ottawa subsided when the Integrated Command Centre was put in place. At that point, a real plan that worked was coalescing.

The DM added that Chief Sloly was brought to Ottawa to do policing in a new way. His way was likely at odds with others in the policing community in Ottawa who were trained to deal with protests by interdicting them and not letting them happen. They had different philosophies about protests. His impression was that Chief Sloly wanted to retain control of the situation notwithstanding that it was out of control the moment the trucks were allowed to park in the downtown core.

DM Stewart stated that the RCMP and OPP would presumably have been willing to devote more resources if there had been a real incident response plan that was respected by those police services. Had there been a plan that identified exactly what resources were necessary – for example how many technical forces and specific constables were needed – they would have been able to deploy those resources. He added that the OPP and RCMP had planners that were available and likely offered up those planners, but he understood that the OPS said they were in charge.

The Engagement Proposal

The DM explained that it was never clear who the main leaders or organizers of the Ottawa protests were, because the OPS Police Liaison Team ("**PLT**") were unable to identify who the main leaders or organizers were.

It was in this context that DM Stewart reached out to OPP Inspector Marcel Beaudin. He had been told by his counterpart in the Government of Ontario that Inspector Beaudin was the person to talk to because he was in a position of leadership within the OPP's Provincial Liaison Team and therefore had expertise in police liaison techniques.

Inspector Beaudin told the DM that as a general rule, police can identify the individuals who are willing to discuss, and separate them from the individuals who are only interested in inflaming the situation. They also discussed the approach that police liaison teams take to protests: deescalate and discourage people from staying.

The DM explained that he came up with the [document that became known as the] "Engagement Proposal" after this conversation. The idea was that the federal government and the City of Ottawa would offer to engage with the core leaders of the Convoy as a means of convincing the protesters to leave the City willingly or re-locate. He explained that the intent behind the Engagement Proposal was to put forward an option for dealing with the Convoy. The intent was not to fill the gap of police liaison in Ottawa.

DM Stewart stated that the Engagement Proposal was discussed with his counterpart in Ontario and eventually went to Ministers Mendicino and Blair and Commissioner Lucki. He kept the City of Ottawa appraised. He did not share the plan with the OPS.

The Engagement Proposal never went anywhere. It was not easy for the government to figure out how the Engagement Proposal would work in practice and some confused it with the notion of negotiation. The DM added that Commissioner Lucki was reluctant because she always thought enforcement could be done. She believed the RCMP could handle the protests.

DM Stewart understood that Commissioner Lucki was also reluctant because of the notion of police independence, which is that RCMP enforcement and operations are independent from the government. DM Stewart stated they are always careful about this because there is a need for the police to maintain independence from the political sphere. He recalled a conversation in which Minister Blair asked Commissioner Lucki whether there were additional things at the margin that they could do to mitigate the situation in Ottawa. The DM described this as the Minister testing them on operational grounds without taking authority over them.

DM Stewart also noted that there was hesitancy on the part of police to engage with protesters because of the potential political and social consequences of enforcement during protests.

The DM added that they would benefit from additional clarity about where the line between the police and the government should be drawn. Although the Minister of Public Safety has the power to direct the Commissioner of the RCMP [pursuant to s. 5 of the *Royal Canadian Mounted Police Act*] in an administrative sense, there is a lack of clarity about how this works in practice.

DM Stewart was asked whether the Minister of Public Safety could have directed the RCMP to take action and clear the protest in Ottawa and elsewhere where the RCMP is the police of jurisdiction. The DM answered that it is a complicated area because the statute that applies to the RCMP is federal, but when the RCMP is the police of jurisdiction [they are subject to a Provincial Police Services Agreement between the provincial and federal government]. In neither case can the Minister direct the police to take enforcement action, due to concerns about officer safety, operational planning and police independence.

The Requests for Assistance

The Three Official Requests for Assistance

DG Trehearne explained that GOC received three official RFAs during the Convoy.

The first RFA was a request from the Solicitor General of Ontario on behalf of the OPS to use a Canadian Armed Forces ("**CAF**") staging area for local police activities. GOC

received the RFA from the Solicitor General of Ontario because the proper process for making an official RFA is for the OPS to send it to the Solicitor General of Ontario who then processes it and decides whether the requested assistance is needed. If it is, they make the request to GOC. [This RFA was approved on January 29 and closed on Feb. 1, 2022.]

The DM elaborated on the statement that the OPS cannot make a direct RFA to the federal government. He explained that in an informal sense, the OPS requests assistance from the federal government all the time. Such requests are not official RFAs. He added that as a matter of principle, most provinces would not want to officially delegate to local authorities the ability to request assistance from the federal government.

The Second RFA was for logistical support [rations] for Parliamentary Protective Service operations. [It was approved on February 16 and closed February 19. 1,200 rations were provided.]

The Final RFA was from the Province of Alberta. They requested federal assistance that included the provision of equipment and personnel to remove obstructions from the highway. Attempts to secure appropriate heavy-duty equipment required to remove vehicles and other items such as trailers and tractors from the area near the POE in Coutts. According to the request, attempts to procure these services with providers from across the Western provinces and the United States had failed.

DM Stewart stated that the Alberta RFA came out of the blue. [Normally an RFA is preceded by inquiries and discussions that aim to see if it can align with the available capabilities to respond to it.] They received a letter from Alberta's Minister of Municipal Affairs, Ric McIver, [on February 5].[7] Afterwards, the Government of Alberta called DM Stewart and told him they had sent the letter. DM Stewart explained that they reached out to the CAF because there might have been CAF equipment in Alberta that could have assisted in clearing the blockade.

The CAF told Public Safety that they did not have the expertise or staff readily available to do this and that moving other resources across the country to assist would have taken time. Further, as a general rule, the CAF should not be deployed against Canadian citizens.

The Government of Alberta also had not exhausted their authorities yet, because they had not used their *Critical Infrastructure Defence Act*. The DM drafted a memorandum recommending against the use of CAF resources. Before a reply was sent, the *Emergencies Act* was invoked.

[7] PB.CAN.00000718_REL.0001.

The Windsor Police Service Request

DG Trehearne stated that Minister Blair received a letter from the Chief of Police of the Windsor Police Service [on February 9] requesting resources,[8] but DG Trehearne clarified that this was not an official RFA.

The Premier of Manitoba Request

ADM Dakalbab stated that they were made aware of the letter that the Premier of Manitoba sent Prime Minister Trudeau [on February 11] requesting federal action. This was not an official RFA.

ADM Dakalbab explained that he had multiple meetings at the ADM level with officials from the Government of Manitoba in which he discussed with them draft proposed options, action plan, and the Tow Truck Removal Strategy. For tow trucks, the plan was to identify who in the country owned them and who could assist. For the tow truck drivers who refused to assist, they considered whether there was authority to suspend their licenses.

Engagement with the Government of Ontario

DM Stewart explained that it was never clear whether the Government of Ontario was willing to assist Ottawa. The Mayor of Ottawa was frustrated with this.

He added that there was a question about how quickly the provincial government would endorse the OPP and whether it would put its weight behind the OPP to come to Ottawa and help resolve the situation. There is a misconception that in the normal course, protests in Ottawa are not a provincial issue, but rather are dealt with by a combination of federal and local police. As he explained it, they were treating Ottawa as Washington, DC.

DM Stewart had conversations with senior officials in the provincial government, including Ontario DM Di Tommaso. He said that DM Di Tommaso was supportive and working in conjunction with the Commissioner of the OPP. DM Di Tommaso reported to DM Stewart that the Commissioner of the OPP was concerned with the lack of an OPS plan.

The provincial government was more engaged in Windsor because the Ambassador Bridge blockade impacted the Ontario economy. According to DM Stewart, the Solicitor General engaged with the protesters there and his counterpart was actively involved in getting Public Order Units to the Ambassador Bridge.

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[8] PB.CAN.00000727_REL.0001; PB.CAN.00000728_REL.0001.

DM Stewart was not privy to the conversations that Minister Mendicino had with Premier Ford and the Solicitor General of Ontario, or the conversations that Minister Blair had with the Solicitor General. He simply knew those conversations had occurred.

[The Government of Ontario invoked its provincial emergencies legislation, the *Emergency Management and Civil Protection Act* ("***EMCPA***"), on February 11.] ADM Dakalbab explained that the *EMCPA* was particularly efficient in Windsor. He recalled having had a discussion in which his counterpart in the Ontario government explained that the Act allowed them to quickly identify a license plate number, link it to a driver's license, and suspend the driver's license.

Enforcement of Existing Authorities

Municipal and Provincial Authorities

DM Stewart explained that the *Highway Traffic Act* and other provincial and municipal authorities were not used very much in places where there were perceived threats to officer safety, and a perceived risk that enforcement would exacerbate the situation.

In particular, DM Stewart explained that the police in Coutts and Emerson were reluctant to enforce municipal and provincial authorities because there was a risk that enforcement would lead to the protests and blockades migrating. The risk of the blockades metastasizing was there. Until the conditions were right, the police were careful not to move in and enforce the law.

The DM then explained that in Ottawa, municipal and provincial authorities were not used more extensively because the OPS was overwhelmed by protesters. OPS officers were working long shifts around the clock just to keep the areas outside the protest zone safe. Their resources were stretched. The notion of sending in a critical mass of officers to enforce in a way that was safe was difficult. The protesters were entrenched and aggressive towards police. The only real enforcement that occurred was at JetForm Park [also known as "Coventry Road" and Raymond Chabot Grant Thornton Park].

Maximum and Strategic Enforcement

The panel members were asked about the NSIA's Talking Points to Cabinet, dated February 8, which referenced a Federal Provincial and Territorial meeting in which DM Stewart, ADM Dakalbab, ADM Brosseau from TC, and provincial government officials discussed a "national and coordinated strategy to (*sic*) that is built upon 'maximum and strategic enforcement' using any and all tools available at all 3 levels of government, and

need to align all communications to protestors about 'maximum enforcement' and the consequences".[9]

ADM Dakalbab explained that the purpose of the meeting referenced in the NSIA's Talking Points was to press the provinces to use every tool in their tool kit [i.e., the "maximum and strategic enforcement"]. He and ADM Brosseau encouraged the use of various options, such as enforcement under the *Highway Traffic Act* and threatening sanctions on the truckers participating in the protests under the *Motor Vehicle Act*. As ADM Dakalbab explained it, they were good at coming up with ideas but implementation was a problem.

ADM Dakalbab noted that DM Keenan of Transport had an exchange with a Government of Ontario official wherein they said they were not interested in this strategy and they were not going to use the *Highway Traffic Act*. This struck ADM Dakalbab as odd because the next day, to his surprise, the Government of Ontario invoked the *EMCPA*.

The NSIA's Talking Points also referenced a "rolodex of creative alternatives".[10] ADM Dakalbab explained that this was likely a reference to the whole situation and all the options that had been discussed.

Engagement with the United States

DM Stewart explained that he and the NSIA had a call with a White House official who expressed deep concerns about the Ambassador Bridge blockade and its impact on trade and the car plants. Canadian officials discussed possible options to address the blockades.

DM Stewart had two calls with a US officials from the Department of Homeland Security ("**DHS**"). The first call, he explained, was more at the subordinate level. He was asked to give an update on how the federal government was handling the situation. The DHS official expressed concerns that the situation in Ottawa would expand.

The second call with DHS occurred on February 13. Canadian officials discussed potential options to deal with the Convoy events. However, as DM Stewart stated, none of the options discussed materialized because the *Emergencies Act* was invoked the next day.

DM Stewart clarified that the DHS official did not request the calls in order to express concerns. Rather, they wanted to understand and, given their recent dealings with the large protests in the US, they were curious as to the policy options that Canada was

[9] SSM.NSC.CAN.00000246_REL.0001, p. 4.

[10] SSM.NSC.CAN.00000246_REL.0001, p. 5.

contemplating. They also wanted to know whether the federal government was seeing clear extremist behaviour.

DM Stewart added that the US did not express concerns about its national security.

The Decision to Invoke the *Emergencies Act*

DM Stewart explained that the *Emergencies Act* (the "***Act***") came onto his radar for the first time in 2020 when the COVID-19 pandemic started. He was briefed on the parliamentary process to invoke the *Act*, how it worked when invoked, and the process to revoke it. He recalled that it was clear that it was a big deal to invoke the *Act*.

As DM Stewart stated, the existence of these discussions carried over into the Convoy and the *Act* was always in the background as a tool of last resort in the tool kit.

DM Stewart stated that the *Act* became a real option sometime on or around February 11. At that point, the situation was fluid. The Coutts blockade had not been resolved. For example, there was a blockade at the Emerson POE, and slow rolls were interfering with the operations of the POEs at the Blue Water Bridge, Peace Bridge, and Pacific Highway. The situation was proliferating and made even worse by the trade implications, the reputational impacts on Canada, and the IMVE implications. There were also concerns that some of the individuals taking part in the Convoy were trained security professionals and some were ex-military. It appeared as though local law enforcement could not resolve it and they were unable to enforce municipal or provincial authorities. These complexities eventually led to a conversation at the federal level about the measures that could be enacted pursuant to the *Act*.

DM Stewart explained that Public Safety was asked to provide input on the measures that could be enacted pursuant to the *Act*. He did not recall having communications about this on paper. Rather, the measures that were discussed—the power to compel tow trucks, the financial measures, the policing powers, measures to alleviate any obstacles for policing, the measures to discourage people from attending the protests—were discussed orally in meetings of the DMOC. The input was funnelled to PCO, who were leading the conversations about existing challenges and gaps that could be resolved with the invocation of the *Act*.

DM Stewart recalled that it was the RCMP who raised the issue of discouraging people from attending the protests. With regards to the measures to alleviate any administrative obstacles for policing, ADM Dakalbab explained that he personally discussed with the RCMP the issue of removing the requirement to have RCMP officers sworn in pursuant to the *Police Services Act* to allow them to enforce municipal and provincial laws. The RCMP told him that this requirement was not a major obstacle, but it would help them if it were removed.

DM Stewart emphasized that the invocation of the *Act* and the measures were not drafted or designed solely to overcome the policing issues in Ottawa.

DM Stewart was asked about an email that he wrote on February 14 at 11:12 p.m. about Senior ADM Rochon's "Technical Briefing Remarks re Emergencies Act", which stated:

> If possible, we need to weave in a few more 'for instances' that suggest how law enforcement authorities (and the CBSA, as relevant) will deploy the new powers, e.g. intercept and turn away attempted blockades from critical infrastructure, facilitate synthesis of local police and the RCMP... (I'm afraid I don't have a lot of great ideas because there aren't a lot of significant benefits, but we have to try to tout PS portfolio specifics as much as we can).[11]

DM Stewart answered that the *Emergency Measures Regulations* were drafted in a way that gave the Minister of Public Safety and the RCMP the powers, but they could delegate those powers. The RCMP delegated their powers under the *Act* to local authorities. And when the police started to enforce, the protesters started to comply. He added that the power to compel tow trucks was important. DM Stewart did not have any knowledge of whether the OPP had lined up tow trucks as early as February 13.

DM Stewart also stated that they underestimated the deterrent effect of the *Act*. ADM Dakalbab emphasized this point, adding that prior to its invocation, provinces including New Brunswick and Quebec were calling him to express concerns about border blockades and protests at legislatures. After the *Act* was invoked, those calls stopped. And within a week of the *Act* being invoked, the protests and blockades were gone.

The panel members did not know exactly how many people were charged for attending the protests. DM Stewart cautioned that looking at the statistics of charges laid and consequences faced is too narrow. The deterrent effect of the *Act*—and particularly the economic measures under the *Act*, which were frightening—could not be overstated.

With respect to the issue of consultation with provinces, DM Stewart stated that there was a lot of consultation done with the provinces that was discounted because it was not premised on whether the federal government was going to decide to invoke the *Act*. However, those consultations were nonetheless useful and considered in making that decision. The invocation of the *Act* was supported and welcomed by some provinces, including the Government of Ontario.

DM Stewart added that the *Act* was welcomed by law enforcement (especially police of jurisdiction). Though they were never explicitly asked to invoke the *Act*, they were asked whether they had the tools they needed and the answer was consistently that they could use more tools.

[11] PB.CAN.00001147_REL.0001, p. 5.

He later added that there were a lot of threats to the security of Canada: there were slow roll convoys and no one knew where they were going to go, there were people in those convoys who were radicalized, and there was a whole fleet of trucks in downtown Ottawa.

DM Stewart clarified that he was not personally asked for his views on the invocation of the *Act*—not by Minister Mendicino or anyone else.

DM Stewart did not know who drafted the section 58 explanation, but he said that Public Safety did what he called a "disaster check" [to see if there were serious problems].

The Decision to Revoke the *Emergencies Act*

DM Stewart explained that the federal government tracked developments across the country at the POEs everyday. They also received inputs from the RCMP about whether the powers under the *Emergency Act* were still needed. The *Act* was revoked when the RCMP reported they did not need the powers anymore and when the federal government observed a diminution in Convoy events.

The DM did not provide the Cabinet with any analysis in writing, but they discussed the issue of revocation at the meetings of the DMOC and those discussions were funnelled to the Cabinet.

The panel members explained that there cannot be a one-size-fits-all emergency response plan. Dealing with emergencies requires good leadership and cooperation. In their view, the response to the Convoy on a Canada-wide scale functioned well at the bureaucratic level but was politically divisive.

The federal government, in DM Stewart's view, succeeded in dealing with the emergency from a public perspective. Canadians supported the invocation of the *Act*. The public's assessment was that the country was facing a major problem, there was a failure to deal with it for three weeks, but it was ultimately managed with the invocation of the *Act*.